

ORDINANCE NO. _____, SERIES 2007

AN ORDINANCE REQUIRING THAT THE HAND-DELIVERY OF ADVERTISEMENTS TO DWELLINGS BE PLACED WITHIN SIX FEET OF THE FRONT DOOR AND CONTAINED IN A BAG OR SLEEVE OR ENWRAPPED IN A RUBBER BAND OR EQUIVALENT.

**Sponsored by: Jim King, District 10
Robert Henderson, District 14
Marianne Butler, District 15
Vicki Welch, District 13
Rick Blackwell, District 12**

WHEREAS, the legislative council of Louisville/Jefferson County Metro Government ("Metro Council") is concerned about the proliferation of litter in the community; and

WHEREAS, it has come to the attention of the Metro Council that hand-deliveries of unsolicited advertisements are being made to dwellings in Metro Louisville with no means to ensure that such items do not add to the litter problem; and

WHEREAS, the Metro Council has determined that unsolicited advertisements as opposed to other forms of unsolicited or solicited materials, mailings or deliveries to dwellings have contributed to the litter of dwellings, public streets, sidewalks, other public places and yards of dwellings; and

WHEREAS, the Metro Council wants to ensure that these unsolicited advertisements do not litter the streets, sidewalks, other public places and yards of dwellings; and

WHEREAS, this Ordinance is an effort to reduce unwanted litter caused by unsolicited advertisements on public property and the yards of dwellings.

NOW, THEREFORE, BE IT ORDAINED BY THE METRO COUNCIL:

SECTION I. A new section of the Louisville/Jefferson County Metro Code of Ordinances is hereby added as follows:

- (1) Unsolicited advertisements hand-delivered to dwellings shall be placed:
 - (a) where permitted, in an advertising box at the dwelling; or
 - (b) within six feet of the front door and contained in a bag or sleeve or enwrapped in a rubber band or equivalent.
- (2) An unsolicited advertisement placed at a dwelling creates a rebuttable presumption that the advertisement was placed at the dwelling by the owner, agent, manager, or authorized distributor of the business, product, good or service advertised.
- (3) The provisions of this Ordinance do not apply to the United States Postal Service.
- (4) For purposes of this Ordinance, the following definitions shall apply:
 - (a) **Unsolicited Advertisement.** Any material advertising the commercial availability or quality of any property, goods or services, which is hand-delivered to any dwelling, without the express invitation or permission, in writing or otherwise, by the owner or lessee of such dwelling.
 - (b) **Dwelling.** A building or portion thereof designed and exclusively used for residential occupancy or accessory uses permitted by the Land Development Code for All of Jefferson County, Kentucky.

(c) **Front Door.** The street-facing entrance to a dwelling. In the event no door faces the street, then any other door of a dwelling nearest the street shall be considered a front door for purposes of this Ordinance.

(5) Any violation of this section shall be classified as a civil offense and shall be enforced through the Code Enforcement Board ("Board") as provided in §§ 32.275 through 32.290, or as it may be amended. The civil penalty shall be a minimum of \$100 and a maximum of \$200 for each violation.

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Metro Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____
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